

THE STATE OF NEW HAMPSHIRE
SUPERIOR COURT

HILLSBOROUGH, SS.
Northern District

OCTOBER TERM

THE STATE OF NEW HAMPSHIRE

v.

ADAM MONTGOMERY

Case No. 216-2022-CR-02372

MOTION TO COMPEL
MANCHESTER COMPREHENSIVE TREATMENT
CENTER'S COMPLIANCE WITH COURT ORDER

NOW COMES the State of New Hampshire, by and through its attorneys, the Office of the Attorney General, and moves to compel Manchester Comprehensive Treatment Center's (the "clinic") compliance with the Court's April 4, 2023 *Order to Produce Records* stating as follows:


1. The defendant was indicted for one count of second-degree murder, one count of witness tampering, and one count of falsifying physical evidence. The defendant is also charged with abuse of a corpse. The charges are based on the December 7, 2019, murder of a 5-year-old child, Harmony Montgomery, and the March 4, 2020 disposal of her corpse.

2. On March 23, 2023, the State filed its *Motion to Search in Lieu of Search Warrant: Defendant's Clinic Records* seeking "Dose History Reports for the Defendant's treatments on December 7, 2019, March 3, 2020, and March 4, 2020." See, Exhibit 1.

2. On April 4, 2023, at a Pretrial Conference on the defendant's pending matters,

the defendant, through his attorneys, assented to the State's Motion and requested that the

The defense has submitted a response to this motion advising the Court that the parties have reached an agreement on the disclosure of the records and that the motion is therefore moot. The Court notes that the defense filed their response in docket 216-2022-CR-20. Therefore, to ensure that the record is complete in this case, the defense is directed to upload their responsive pleading into this case file upon receipt of the Notice of Decision on this order. Similarly, it appears that the State failed to include the exhibits referenced in this motion. In light of the fact that the motion is moot, the State need not upload the exhibits at this time. Based upon the agreement of the of the parties, the finds the motion MOOT. SO ORDERED.


Honorable Amy B. Messer
November 1, 2023

Court order the Clinic to produce the defendant's Dose History Report from November 27, 2019, through March 17, 2021.

3. Following the hearing on April 4, 2023, the defendant filed a proposed order which the Court signed that day. The Order directed the Clinic to produce the defendant's "Dose History Report and the administration of those prescribed doses beginning November 27, 2019, through March 17, 2021." *See* Exhibit 2. The order was promptly served on the Clinic by investigators with the Attorney General's Office.

4. On April 28, 2023, the Clinic submitted a letter to the Attorney General's Office indicating that it had not received the defendant's consent and/or authorization and, therefore, would not release the defendant's records. *See* Exhibit 3.

5. On April 28, 2023, undersigned counsel contacted counsel for the defendant seeking to resolve the issue with the Clinic. Counsel for the defendant did not respond. The undersigned contacted counsel for the defendant again on May 8, 2023, and August 29, 2023, each time without response. *See* Exhibit 4.

6. For the reasons set forth above, the State respectfully requests that this Honorable Court hold a hearing in this matter and compel the Clinic to comply with the April 4, 2023 order.

WHEREFORE, the State respectfully requests this Honorable Court:

- A. Grant the State's motion to compel the Clinic's compliance with its April 4, 2023 order;
- B. Hold a hearing on this motion; and
- C. Order such other and further relief as may be just and proper.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

JOHN M. FORMELLA
ATTORNEY GENERAL

Date: October 17, 2023

/s/ Benjamin J. Agati
Benjamin J. Agati, Bar # 16161
Senior Assistant Attorney General

/s/ R. Christopher Knowles
R. Christopher Knowles, Bar #276524
Assistant Attorney General

Criminal Justice Bureau
33 Capitol Street
Concord, NH 03301-6397

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent via the State of New Hampshire e-filing system to Carrie Smith and Jamie Brooks, Esqs., counsel of record in this matter & via mail to Amy Maillet, Clinic Director, Manchester CTC.

/s/ R. Christopher Knowles
R. Christopher Knowles